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8

9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

11
12 ANDREW E. ROTH, derivatively on
behalf of BROCADE
13 COMMUNICATIONS SYSTEMS, INC.,

14 Plaintiff,

15 vs.

16 GREGORY REYES, MICHAEL BYRD,
ANTONIO CANOVA, JACK
17 CUTHBERT, and BROCADE
COMMUNICATIONS SYSTEMS, INC.,

18 Defendants.

19 CASE NO. 3:06-CV-2786 CRB

20
21 **STIPULATION EXTENDING TIME
TO RESPOND TO FIRST AMENDED
COMPLAINT**

22 The Hon. Charles R. Breyer

23 WHEREAS, the complaint in this action was filed on April 24, 2006;

24 WHEREAS, defendant Brocade Communications Systems, Inc. ("Brocade") filed a
motion to dismiss the complaint on June 8, 2006;

25 WHEREAS, plaintiff has decided to amend the complaint in lieu of opposing the
motion to dismiss, and has so advised defendant Brocade;

26 WHEREAS, plaintiff and defendant Brocade have agreed that the amended
complaint will be filed by July 14, 2006, with defendant Brocade's response thereto due on
27 August 14, 2006;

28 THEREFORE, the parties hereby stipulate as follows:

1 Defendant Jack Cuthbert's response to the amended complaint shall be served and
2 filed by August 28, 2006.

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4 Dated: June 29, 2006

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6 BECK, DE CORSO, DALY,
7 KREINDLER & HARRIS
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9
10 By: Mark Mermelstein by PJD
11 MARK MERMELESTEIN
12 Attorneys for Defendant Jack Cuthbert

13 Dated: June 29, 2006

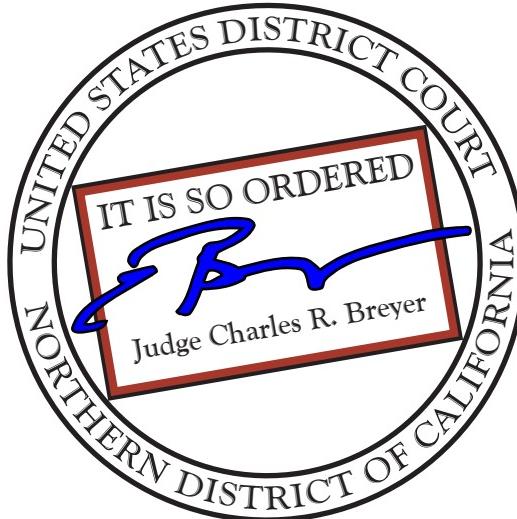
14 SCHUBERT & REED LLP

15 BRAGAR WEXLER & EAGEL, P.C.

16 OSTRAGER CHONG FLAHERTY &
17 BROITMAN P.C.

18 By: Aaron H. DarSKY
19 AARON H. DARSKY
20 Attorneys for Plaintiff ANDREW E. ROTH

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21 July 5, 2006
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 601 West Fifth Street, 12th Floor, Los Angeles, California 90071.

On June 29, 2006, I served the following document(s) described as
**STIPULATION EXTENDING TIME TO RESPOND TO FIRST AMENDED
COMPLAINT**

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

- BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Beck, De Corso, Daly, Kreindler & Harris's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 29, 2006, at Los Angeles, California.

Kathy Willis

SERVICE LIST

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